

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:08CR3142
	)	
v.	)	
	)	
MARY ELIZABETH MCDANIEL,	)	MEMORANDUM
	)	AND ORDER
Defendant.	)	
_____	)	

Although no motion has been filed, I am in receipt of a Retroactive Crack Cocaine Worksheet that suggests that the defendant may be entitled to a reduction of 30 months due to the Fair Sentencing Act of 2010, effective November 1, 2011. However, I am also in receipt of a log of the defendant's numerous misconduct reports while at the Nebraska Center for Women. Those materials are available to counsel.

I am inclined to deny the defendant a reduction in her sentence due to the misconduct reports together with her overall criminal history. Before I do so, however, I want to hear from counsel.

IT IS ORDERED that:

1. Pursuant to General Order No.2011-12, the Federal Public Defender (or his nominee) is herewith appointed to represent the defendant. The Clerk's office shall provide the Federal Public Defender and the defendant with a copy of this order. *Appointed counsel shall promptly enter an appearance if he or she has not already done so.*<sup>1</sup>

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<sup>1</sup>Mr. Schense entered his appearance (filing no. 181) on February 24, 2012, and I assume he did so for the purpose of representing the defendant on this crack cocaine

2. On or before 5:00 PM on June 22, 2012, counsel for the government and counsel for the defendant shall each submit a brief addressing whether I should deny the defendant a reduction in her sentence under the Fair Sentencing Act of 2010, effective November 1, 2011, due to the long list of misconduct reports together with her overall criminal history.
3. My chambers shall call this matter to my attention on June 25, 2012.

DATED this 21<sup>st</sup> day of May, 2012.

BY THE COURT:

*Richard G. Kopf*

Senior United States District Judge

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reduction issue and pursuant to the nomination of the Federal Public Defender. If this is not the case, Mr. Schense should advise the Federal Public Defender and me.